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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/321,387	05/27/99	HENDERSON	K	RIC-97-123

LM02/0501

TECHNOLOGY DEPARTMENT
MCI COMMUNICATIONS CORPORATION
1133 19TH STREET NW
WASHINGTON DC 20036

EXAMINER	
BARNIE,R	
ART UNIT	**PAPER NUMBER**
2743	5

DATE MAILED: 05/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/321,387	HENDERSON ET AL.
Examiner	**Group Art Unit**
REXFORD BARNIE	2743

☒ Responsive to communication(s) filed on *Feb 14, 2000* .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-27* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-27* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-15 and 17-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Longo et al. (US Pat# 5,912,956).

Regarding claims 1, 17 and 25, Longo teaches a communication system for recording at least one message associated with a pre-paid card comprising of a data storage system (see 24 of fig.1) which stores services associated with a prepaid calling card and a voice processing system (26 of fig. 1) configure to receive a request to record a message meant for another over a network during a service setup call (see Prompts 9&11 of fig. 7, fig. 9, column 4 lines 42-44, and column 6 lines 18-25). Note that based on a prompt pressed, a caller can record or listen to a recorded message.

Regarding 2 and 18, Longo teaches two separate entities (see fig. 1) namely; a controller and a voice synthesizer remotely located from a calling party and from each other.

Regarding claims 3-4, 19 and 26, Longo teaches in (108 of fig. 7, column 5 lines 50-61 and column 6 lines 26-34) monitoring usage of a prepaid account.

Regarding claims 5-8, see the explanation as set forth in the rejection of claim 1. Furthermore, Longo teaches in (see fig. 3) a PIN unique to a cardholder. Note that based on a prompt pressed, a caller can record or listen to a recorded message.

Regarding claim 9, The method is rejected for the same reasons as set forth in the explanation of the rejection of apparatus claim 1 since the apparatus would perform the claimed steps. Note that based on a prompt pressed, a caller can record or listen to a recorded message.

Regarding claim 10-13, see the explanation as set forth in the rejection of claims 5-9.

Regarding claim 14, see the explanation as set forth in the rejection of claim 9. Note that a subscriber could record a message for all calling parties (see fig. 9) wherein the message could be addressable by the voice synthesizer and controller during subsequent calls if the identifier associated with the card is used in making a call and prompt 9 is activated to hear a subscriber recorded message.

Regarding claim 15, Longo teaches the claimed subject in (fig. 1).

Regarding claim 20, Longo's prepaid calling card can be used in making any call given it has enough funds associated with the account.

Regarding claims 21-24 and 27, Longo teaches that a calling party can be prompt to activate prompt 9 if he/she wants to automatically hear a message associated with a card identifier as recorded by a subscriber/user (see 108 of fig. 7).

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US Pat# 5,825,863).

Regarding claim 1, Walker teaches a prepaid limited usage calling card comprising of a dat storage means (24, 26 and 28 of fig. 1) wherein a plurality of services as desired by a subscriber can be stored comprising of setting time limits, call forwarding and so forth. A voice messaging system (see 25 of fig. 1) can be used in recording messages for called parties during a service setup call using a prepaid card if a called party happens to be busy with for instance another call (see column 7 lines 3-12).

Regarding claims 2-4, Walker teaches in (fig. 1 and column 4 lines 38-61) that a balance account can be in terms of monetary value or call unit time. A voice messaging system is located remotely from a prepaid account database.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longo et al. (US Pat# 5,912,956).

Regarding claim 16, Longo teaches in (column 5 lines 19-21) the possibility of configuring a network based on different factors such as distance, volume of usage and so forth. PSTN is well

known and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Longo in a PSTN environment based on the factors mentioned above.

Response to Arguments

6. Applicant's arguments filed on 02/14/00 have been fully considered but they are not persuasive. The applicant argued that the message is stored with the identity tag while the present invention is directed to a method of retrieving a message over a network.

The examiner's disagrees because Longo teaches the possibility of retrieving a message stored within a network or speed dialing numbers by using a prompt number (see entire disclosure) in conjunction with a prepaid calling card identifier after dialing an access number (see fig. 3). Eventhough, Longo teaches in (column 6 lines 39-45), an embodiment wherein information could be stored on the identity tag this doesn't characterize the entire teaching of Longo (see figs. 1-9).

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p:m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The **informal fax number** (Draft or Proposed Amendment) for this Group is (703) 305-9508 wherein the **formal fax number** for the group is (703) 308-9051 or 308-9052. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900. **R.B. 04/25/00.**

STELLA WOO
PRIMARY EXAMINER